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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MARK DOUGLAS HOWELL,
CHERYL LYNN SELINSKY, and LELAND CHARLES LEBER
Junior Party
(Patent 6,379,708),

v.

M. RIGDON LENTZ
Senior Party
(Application 09/709,045).

Patent Interference No. 105,413
(Technology Center 1600)

1 Before Torczon, Lane, and Tierney, Administrative Patent Judges.
2
3 Lane, Administrative Patent Judge.
4

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6 **Judgment – Merits – Bd.R. 127**

7 Junior party Howell's motion for judgment on the basis of priority has been
8 denied. (Paper 155). Since Howell is junior party, it is appropriate to enter
9 judgment on priority against Howell.

Upon consideration of the record and for reasons given, it is:

ORDERED that judgment on priority as to Count 1, the sole count of the interference, is entered against junior party Howell;

FURTHER ORDERED that claims 1-44 of Howell patent 6,379,708, which claims correspond to Count 1, be CANCELLED, 35 U.S.C. § 135(a);

FURTHER ORDERED that, if there is a settlement agreement, the parties are directed to 35 U.S.C. § 135(c) and Bd.R. 205; and

FURTHER ORDERED that a copy of this judgment and a copy of the decision on priority motions (Paper 155) shall be entered into the administrative record of Howell patent 6,379,708 and Lentz application 09/709,045.

/Richard Torczon/
Administrative Patent Judge

/Sally Gardner Lane/
Administrative Patent Judge

/Michael P. Tierney/
Administrative Patent Judge

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) BOARD OF
) PATENT APPEALS
) AND
) INTERFERENCES
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